IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 5TH MARCH 2007 / 14TH PHALGUNA 1928

Crl.Rev.Pet.No. 894 of 2003

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CRA.199/2002 of SESSIONS COURT, THRISSUR
CC.28/1999 of JUDL. MAGISTRATE OF FIRST CLASS COURT, CHALAKUDY

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REVN. PETITIONER: APPELLANT/ACCUSED:

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V.K.GINI, C/O. SAROJINI KOCHUKUTTAN,
BEXI CINEMA THEATRE, KUNDUKUZHIPADAM,
KUTTICHIRA, THRISSUR DISTRICT.

BY ADV. SRI.D.ANIL KUMAR

RESPONDENTS: RESPONDENT/COMPLAINANT & RESPONDENT:

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1. DEVASSY, S/O. LONAPPAN,
THEETHAI HOUSE, NERAMMODU DESOM, KUTTICHIRA.

2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI.P.VIJAYA BHANU
SRI.TONY MATHEW
PUBLIC PROSECUTOR SRI. C.M. KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 05/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**K.R.UDAYABHANU, J**

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CRL.R.P.No.894 of 2003

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Dated this the 5th day of March, 2007

**ORDER**

Revision petitioner stands convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced, as modified by the appellate court, to imprisonment till the rising of the court and to pay a compensation of Rs.60,000/- and in default, to undergo simple imprisonment for a period of three months.

2. Counsel for the revision petitioner has sought for setting aside the orders of the courts below alleging defective appreciation of evidence adduced. Considering the testimony of PW1 and Exts. P1 to P4 and the testimony of DW1 father of the revision petitioner/accused, the courts below have found that the prosecution case stands established beyond reasonable doubt. Counsel for the revision petitioner has contended that only a sum of Rs.10,000/- was really borrowed by the husband of the accused and that accused did not borrow any amount from the complainant. It is the case that the husband of the revision

petitioner is absconding. DW1, the father of the revision petitioner has testified in this regard. Both the courts below have found that the above evidence is not sufficient to rebut the statutory presumptions. I find that there are no reasons to interfere. In the above finding the conviction and sentence is confirmed. Revision petitioner shall appear before the Judicial First Class Magistrate Court, Chalakkudy on 3.4.2007 to receive the sentence.

The Criminal Revision Petition is disposed of as above.

**K.R.UDAYABHANU,**
**JUDGE**

csl

**K.R.UDAYABHANU, J**

Crl.R.P.No.929 of 1997

**ORDER**

26th February, 2007